

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF VERMONT

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SARAH E. CUMMINGS, on behalf of )  
herself and all others similarly situated, )  
Plaintiff )  
)  
v. ) Docket No. 1:12-cv-93  
)  
TEACHERS INSURANCE AND ANNUITY )  
ASSOCIATION OF AMERICA – COLLEGE )  
RETIREMENT AND EQUITIES FUND )  
(TIAA-CREF), COLLEGE RETIREMENT )  
AND EQUITIES FUND (CREF), )  
TEACHERS' INSURANCE AND ANNUITY )  
ASSOCIATION OF AMERICA (TIAA), )  
TIAA-CREF INVESTMENT )  
MANAGEMENT, LLC (TCIM), TEACHERS )  
ADVISORS, INC. (TAI), and TIAA-CREF )  
INDIVIDUAL & INSTITUTIONAL )  
SERVICES, LLC, )  
Defendants )

EVALUATOR'S REPORT

Edward Infante, United States District Court Magistrate Judge (ret.), the Early Neutral Evaluator, reports pursuant to Local Rule 16.1(j) on the ENE session in this matter as follows:

1. The ENE session took place on November 11, 2015, in Palo Alto, California, commencing at 9:00 a.m. and concluding at 5:00 p.m. Additional telephone caucuses with the parties followed.

2. The following persons attended, with the roles and responsibilities indicated:

Plaintiff:

Robert B. Hemley, Esq., attorney for Plaintiff, with settlement authority.

Norman C. Williams, Esq., attorney for Plaintiff, with settlement authority.

Tucker Ronzetti, Esq., attorney for Plaintiff, with settlement authority.

Kenneth Hartmann, Esq., attorney for Plaintiff, with settlement authority.

Defendants:

Lori Martin, Esq., Wilmer Hale, attorney for Defendants

David Berman, Esq., Wilmer Hale, attorney for Defendants

Howard Shapiro, Esq., attorney for Defendants

Jonathan Feigelson, Esq., General Counsel of TIAA-CREF

Suzanne, Gross, Esq., In-house Counsel of TIAA-CREF

Richard Carroll, Esq., attorney for Defendants

3. The ENE statements of the parties were received:

Plaintiff – November 9, 2015

Defendant – November 9, 2015

4. Each party made an oral presentation through counsel.

5. Full settlement was reached subject to approval of the Court.

Dated: San Francisco, CA  
December 3, 2015

/s/ Edward Infante

Edward Infante  
Early Neutral Evaluator